

1 Introduced by Committee on Human Services

2 Date:

3 Subject: Human services; developmental disabilities; system of care

4 Statement of purpose of bill as introduced: This bill proposes to: (1) eliminate
5 the rulemaking requirement for portions of the system of care plan; (2) require
6 system of care plan extensions to be approved by the Chairs of the House
7 Committee on Human Services and the Senate Committee on Health and
8 Welfare; (3) establish the Residential Program Developer position and
9 additional Quality Services Review Team positions within the Department for
10 Disabilities, Aging, and Independent Living; (4) establish pilot projects to
11 develop housing and residential services programs for individuals with
12 developmental and intellectual disabilities; and (5) implement processes for
13 payment reform and conflict-free case management.

14 An act relating to the system of care for individuals with developmental
15 disabilities

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 * * * Legislative Intent * * *

3 Sec. 1. LEGISLATIVE INTENT

4 It is the intent of the General Assembly that:

5 (1) individuals who qualify for developmental services and who meet a
6 funding priority as outlined in the State system of care plan for developmental
7 services receive full and complete information regarding their options and
8 services; and

9 (2) individuals with developmental disabilities, their family members,
10 and allies be respected and active participants in systems change activities,
11 including payment reform, development of resources to comply with the
12 federal home- and community-based services regulations, and development of
13 additional residential service options.

14 * * * System of Care Plan * * *

15 Sec. 2. 18 V.S.A. § 8725 is amended to read:

16 § 8725. SYSTEM OF CARE PLAN

17 (a) Every three years, the Department shall adopt a plan for the nature,
18 extent, allocation, and timing of services consistent with the principles of
19 service set forth in section 8724 of this title that will be provided to people
20 with developmental disabilities and their families. ~~Each plan shall include the~~

1 following categories, which shall be adopted by rule pursuant to 3 V.S.A.
2 chapter 25:

3 (1) ~~priorities for continuation of existing programs or development of~~
4 ~~new programs;~~

5 (2) ~~criteria for receiving services or funding;~~

6 (3) ~~type of services provided; and~~

7 (4) ~~a process for evaluating and assessing the success of programs.~~

8 * * *

9 (c) ~~Not~~ Not later than 60 days before adopting the proposed plan, the
10 Commissioner shall submit it to the Advisory Board established in section
11 8733 of this title; for advice and recommendations, ~~except that the~~
12 ~~Commissioner shall submit those categories within the plan subject to 3 V.S.A.~~
13 ~~chapter 25 to the Advisory Board at least 30 days prior to filing the proposed~~
14 ~~plan in accordance with the Vermont Administrative Procedure Act. The~~
15 Advisory Board shall provide the Commissioner with written comments on the
16 proposed plan. ~~It may also submit public comments pursuant to 3 V.S.A.~~
17 ~~chapter 25.~~

18 * * *

19 (f) If the Department requires an extension to complete the system of care
20 plan, it shall submit a written request indicating the anticipated completion
21 date to the House Committee on Human Services and to the Senate Committee

1 on Health and Welfare at least two months prior to the expiration of the
2 existing system of care plan. The request for an extension may be granted
3 upon the approval of both the Chairs of the House Committee on Human
4 Services and the Senate Committee on Health and Welfare.

5 * * * Creation of New Positions * * *

6 Sec. 3. 18 V.S.A. chapter 204A is amended to read:

7 CHAPTER 204A. SUPPORTING INDIVIDUALS WITH
8 DEVELOPMENTAL DISABILITIES ACT

9 Subchapter 1. Developmental Disabilities Act

10 * * *

11 Subchapter 2. Supports for Individuals with Developmental Disabilities

12 § 8741. QUALITY SERVICES REVIEW TEAM

13 There is created an additional Quality Services Review Team within the
14 Developmental Disabilities Services Division of the Department of
15 Disabilities, Aging, and Independent Living for the purposes of providing at
16 least annual on-site quality assurance and improvement visits to the designated
17 and specialized service agencies. The Quality Services Review Team shall
18 assess designated and specialized service agencies' provision of services in
19 accordance with the individualized service plan for individuals served. The
20 Quality Services Review Team shall consist of a supervisor, a nurse reviewer,
21 and three Quality Services Review Team positions.

1 Sec. 4. DEPARTMENT OF DISABILTIIES, AGING, AND INDEPENDENT
2 LIVING; RESIDENTIAL PROGRAM DEVELOPER

3 There is created a limited service position of the Residential Program
4 Developer within the Department of Disabilities, Aging, and Independent
5 Living for the purposes of:

6 (1) expanding housing and residential services options for individuals
7 with developmental disabilities, in accordance with federal home- and
8 community-based services regulations;

9 (2) assisting individuals with developmental disabilities and their
10 families navigate publicly and privately funded housing and residential
11 services options;

12 (3) investigating public and private funding opportunities for residential
13 program development for individuals with developmental disabilities;

14 (4) working with individuals with developmental disabilities, their
15 families, and allies to identify potential models for residential services;

16 (5) developing requests for proposals and identifying three to five pilot
17 projects for different regions of the State focused on the needs identified in
18 those regions; and

19 (6) working with appropriate designated and specialized service
20 agencies or other providers to implement selected pilots.

1 * * * Housing and Residential Service Pilot Projects * * *

2 Sec. 5. DEPARTMENT OF DISABILTIIES, AGING, AND INDEPENDENT
3 LIVING; DEVELOPMENT OF HOUSING AND RESIDENTIAL
4 SERVICES PILOT PROJECTS

5 (a) The Department for Disabilities, Aging, and Independent Living shall
6 work with the Vermont Developmental Disabilities Council to review housing
7 models in other states for the purpose of informing the pilot projects
8 implemented in subsection (b) of this section.

9 (b) In fiscal year 2023, \$500,000.00 is appropriated to the Department of
10 Disabilities, Aging, and Independent Living from the Global Commitment
11 Federal Medical Assistance Percentage (FMAP) home- and community-based
12 monies to develop housing and residential service pilot projects in three to five
13 regions of the State, in partnership with designated and specialized service
14 agencies, for individuals with developmental and intellectual disabilities and
15 their families. The pilot projects shall reflect the diversity of needs expressed
16 by individuals with development and intellectual disabilities and their families,
17 including individuals with high support needs who require 24-hour care and
18 those with specific communication needs. The pilot projects shall be
19 consistent with the federal home- and community-based services regulations
20 and include new service-supported housing models. The Department shall

1 issue a request for proposals seeking entities to develop each regional pilot
2 project with not more than \$100,000.00 directed to one region.

3 (c)(1) The Department shall convene a steering committee to provide
4 advice and guidance as it develops the pilot projects required pursuant to this
5 section.

6 (2) The steering committee shall be composed of the following
7 members:

8 (A) three individuals with a developmental or intellectual disability,
9 appointed by the Green Mountain Self Advocates;

10 (B) two family members of individuals with a developmental or
11 intellectual disability, appointed by the Vermont Family Network;

12 (C) two advocates who are either individuals with a developmental or
13 intellectual disability or a family member of an individual with a
14 developmental or intellectual disability, appointed by the State Program
15 Standing Committee and the Advisory Board established pursuant to 18 V.S.A.
16 § 8733; and

17 (D) two representatives of the designated and specialized service
18 agencies, appointed by Vermont Care Partners.

19 (3) The steering committee shall have the technical, legal, and
20 administrative assistance of the Department.

1 (4) Members of the steering committee shall be entitled to per diem
2 compensation and reimbursement of expenses as permitted under 32 V.S.A.
3 § 1010 for not more than five meetings. These payments shall be made from
4 monies appropriated to the Department.

5 (d) On or before January 15, 2023, the Department shall submit a report to
6 the House Committee on Human Services and to the Senate Committee on
7 Health and Welfare evaluating the pilot projects implemented pursuant to this
8 section.

9 * * * Payment Reform and Conflict-Free Case Management * * *

10 Sec. 6. PAYMENT REFORM AND CONFLICT-FREE CASE

11 MANAGEMENT

12 (a) Prior to implementing system-wide payment reform impacting
13 individuals with developmental disabilities, their families, and designated and
14 specialized service agencies, the Department of Disabilities, Aging, and
15 Independent Living shall seek approval from the General Assembly. At a
16 minimum, the following shall be included in the payment reform process:

17 (1) in addition to any standardized assessment utilized by the
18 Department, a process for consideration of additional information relevant to
19 the life circumstances of service recipients or applicants;

1 (2) in addition to any standardized rates or rate ranges developed by the
2 Department, a process for consideration of budgets to reflect the individualized
3 support needs of service recipients or applicants; and

4 (3) a process for evaluating the fiscal and service impact on individual
5 service recipients and the designated and specialized service agencies.

6 (b)(1) Prior to implementing the federally required conflict-free case
7 management system, the Department shall seek and consider input from a
8 variety of stakeholders, including individuals with developmental disabilities,
9 their families, designated and specialized service agencies, and other providers
10 and advocates.

11 (2) As part of the changes necessary to come into federal compliance,
12 consideration shall be given to performing initial clinical eligibility and service
13 planning within the Department.

14 * * * HCBS Spending Plan Amendment * * *

15 Sec. 7. HOME- AND COMMUNITY-BASED SERVICE SPENDING PLAN
16 AMENDMENT

17 The Agency of Human Services shall seek to amend its federal Home- and
18 Community-Based Service Spending Plan to enable the Department of
19 Disabilities, Aging, and Independent Living to use Global Commitment
20 Federal Medical Assistance Percentage (FMAP) home- and community-based

1 monies to fund the new Residential Program Developer position created in
2 Sec. 4 and the pilot projects in Sec. 5 of this act.

3 * * * Effective Date * * *

4 Sec. 8. EFFECTIVE DATE

5 This act shall take effect on July 1, 2022.